REMARKS

Reconsideration of this application, as amended, is respectfully requested.

ALLOWABLE SUBJECT MATTER

The Examiner's indication of the allowability of the subject matter of claim 6 is respectfully acknowledged.

Claim 6, however, has not been rewritten in independent form at this time since, as set forth in detail hereinbelow, it is respectfully submitted that its parent claim 5 also recites allowable subject matter.

THE TITLE

The title has been amended to more clearly indicate the nature of the invention to which the claims are directed, as required by the Examiner.

THE SPECIFICATION

The specification has been amended to correct a minor typographical error of which the undersigned has become aware. No new matter has been added, and it is respectfully requested that the amendment to the specification be approved and entered.

THE CLAIMS

Claim 2 has been amended to clarify the feature of the present invention whereby the instruction means instructs whether to display the image data with the display means when the audio data reproducing means reproduces the audio data.

In addition, claims 1, 2 and 5-9 have been amended to correct some minor informalities of which the undersigned has become aware, including some minor grammatical and antecedent basis problems. The informality in claim 7 pointed out by the Examiner has been corrected.

No new matter has been added, and it is respectfully requested that the amendments to claims 1, 2 and 5-9 be approved and entered.

It is respectfully submitted, moreover, that the amendments to claim 1 and 5-9 are not related to patentability, and do not narrow the scope of the claims either literally or under the doctrine of equivalents.

THE PRIOR ART REJECTION

Claims 1 and 7-14 were rejected under 35 USC 102 as being anticipated by US 2002/0021262 ("Ejima et al"); claim 2 was rejected under 35 USC 102 as being anticipated by US 2002/0057351 ("Suzuki et al"); claim 3 was rejected under 35 USC 103 as being obvious in view of the combination of Suzuki et al and USP

6,774,939 ("Peng"); and claim 5 was rejected under 35 USC 103 as being obvious in view of the combination of Ejima et al and Peng. These rejections, however, are respectfully traversed.

According to the present invention as recited in amended claim 1, while reproducing audio data, character data that shows reproduction status of the audio data is displayed. For example, in step S60 of the flowchart of FIG. 7, data such as recording time, elapsed reproduction time, recording mode, and file number in a normal reproduction mode is displayed. Of these types of data, the data concerning reproduction status includes, for example, the elapsed reproduction time, which changes in accordance with the time elapsed while reproducing the audio data. That is, the data concerning the reproduction status relates to the status of the ongoing reproduction.

By contrast, it is respectfully submitted that Ejima et al does not disclose, teach or suggest displaying data relating to the reproduction status of audio data. It is respectfully submitted that Ejima et al merely discloses displaying data such as "RECORDING DATE", "AUDIO MARK" and "AUDIO TIME," as shown in Fig. 9 thereof, which merely indicate different sets of recorded data which has been recorded. For example, data set 1 in Fig. 9 includes image data that captured at 8:30 and audio data corresponding to three seconds of audio. None of this data shown in Fig. 9 represents a status reproduction fo the data sets,

because none of this data changes while the data sets are reproduced. That is, Ejima et al does not disclose, teach or suggest displaying data to indicate that the 2nd of three seconds of audio data of data set 1 is currently being played, but rather merely discloses displaying that data set 1 includes 3 seconds of audio. Thus, the displayed information in Fig. 9 of Ejima et al does not relate to reproduction status of an ongoing reproduction of audio data in the manner of the present invention as recited in independent claim 1.

With respect to amended independent claim 2, it is respectfully submitted that Suzuki et al does not disclose, teach or suggest displaying data representing a reproduction status of the audio data, as recited in independent claim 2. The Examiner contends that paragraphs [0101] and [0103]-[0105] of Suzuki et al disclose displaying data representing reproduction status of audio data. However, the cited portion of Suzuki et al merely discloses using a pen input device to select a "sound effect" screen from a setting selection screen shown in Fig. 13 thereof. According to Suzuki et al, depending upon the selection made in Fig. 15, a sound effect A or sound effect B will be reproduced, or a sound can be recorded with a voice recorder (when "R" is selected). However, Suzuki et al does not disclose, teach or suggest displaying reproduction status data relating to the reproduction of the data recorded when "R" is selected. That is,

Figs. 12, 13 and 15 of Suzuki et al merely show screens by which an option to record voice information is selected. None of the displayed data shown in Figs. 12, 13 and 15 of Suzuki et al relates to a status of audio data being reproduced.

It is respectfully submitted, therefore, that Suzuki et al does not disclose, teach or suggest control means for causing the display means to display data representing a reproduction status of the audio data, when the instruction means instructs the display means not to display the image data.

With respect to claim 3, it is respectfully submitted that Peng also does not disclose, teach or suggest displaying reproduction status data of audio data being reproduced. According to the cited portion (Fig. 11) of Peng, when an audio file is reproduced, images associated with the audio file are reproduced on a monitor in accordance with image start and end time parameters included in each audio file identifier. It is respectfully submitted, however, that Peng does not disclose, teach or suggest displaying data representing reproduction status of the audio data on the monitor, as in the present invention.

It is respectfully submitted, therefore, that Peng does not disclose, teach or suggest that the control means causes the display means to display the reproduction status of the audio data after displaying the image data for a predetermined time,

when the instruction means instructs the display means to display the image data, as recited in claim 3.

According to the present invention as recited in independent claim 5, a data recording and reproducing apparatus is provided which is capable of reproducing audio data and image data associated with a part of the audio data that is recorded at a moment when the image data is generated, The apparatus comprises: (i) display means for displaying an operating status of the apparatus, and (ii) control means for causing the display means to display first information including character data representing a reproduction status of the audio data while the audio data is being reproduced, and for displaying second information including the image data associated with the part of the audio data, when the part of the audio data is reproduced.

As explained hereinabove, neither Ejima et al nor Peng discloses, teaches or suggests displaying character data representing a reproduction status of the audio data while the audio data is being reproduced.

According to the present invention as recited in independent claim 7, the imaging means record image data in association with a time elapsed during recording of the audio data, while the audio data recording means is recording the audio data.

By contrast, according to Ejima et al, within a certain period of time after an item of image data is obtained, recorded

audio data (including a plurality of audio data) is recorded with the image data, and the audio and the image data have the same management information (same data set number). As explained in paragraph [0072] of Ejima et al, when an image is captured, any audio data that is input within a predetermined length of time after (i) the recording of the image data, (ii) the recording of earlier audio data associated with the image data, or (iii) the recording of independent audio data is recorded as audio data belonging to a previous set of data.

Thus, Ejima et al clearly does not disclose recording audio data while image data is recorded, but rather discloses that audio data is recorded within a predetermined length of time after capturing an image (paragraph [0072] cited by the Examiner) or that image data is recorded a predetermined length of time after recording audio data to begin a new data set (paragraph [0074] cited by the Examiner). See also Fig. 7 of Ejima et al, cited by the Examiner.

Thus, it is respectfully submitted that Ejima et al clearly does not disclose, teach or suggest imaging means for recording image data in association with a time elapsed during recording of the audio data, while the audio data recording means is recording the audio data, as recited in independent claim 7.

According to the present invention as recited in independent claim 8, the data recording and reproducing apparatus comprises,

in particular, display means for displaying, while the audio data reproducing means is reproducing the audio data, first information including character data representing a reproduction status of the audio data and for displaying second information including image data associated with a time elapsed during recording of the audio data that the audio data reproducing means is reproducing.

As explained hereinabove, Ejima et al discloses neither character data representing a reproduction status of the audio data nor image data associated with a time elapsed during recording of the audio data.

With respect to claim 9, moreover, it is respectfully submitted that Ejima et al clearly does not disclose displaying image data for a predetermined time every time the time elapsed during the recording of the audio data is detected, as recited in claim 9.

In view of the foregoing, it is respectfully submitted that the present invention as recited in each of independent claims 1, 2, 5, 7 and 8, as well as claims 3, 6 and 9 respectively depending from claims 2, 5 and 8, clearly patentably distinguishes over all of the cited prior art references, taken singly or in any combination, under 35 USC 102 as well as under 35 USC 103.

PRIORITY DOCUMENTS

It is respectfully submitted that certified copies of the priority documents, JP 2000-247031 and JP 2001-220003, applications were filed in the USPTO on February 11, 2002. Receipt thereof by the USPTO is evidenced by the copy of the return receipt postcard attached hereto.

INFORMATION DISCLOSURE STATEMENT

It is respectfully requested that the Examiner act on the IDS filed on August 10, 2001. A copy of the IDS, including the Form PTO/SB/08A, and a copy of the return receipt postcard evidencing USPTO receipt of the IDS filed on August 10, 2001, are attached hereto.

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In view of the foregoing, entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned for prompt action.

Respectfully submitted,

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